EXHIBIT 26

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1	Volume I Pages: 1 - 242 ·
2	Exhibits: 1 - 27
3	UNITED STATES DISTRICT COURT
4	DISTRICT OF MASSACHUSETTS
5	No. 04-CV-11948-RGS
6	SEYED MOHSEN HOSSEINI-SEDEHY,
7	Plaintiff
8	vs.
9	ERIN T. WITHINGTON and the CITY
10	OF BOSTON,
11	Defendants
12	
13	DEPOSITION OF ERIN T. WITHINGTON
14	Thursday, March 31, 2005
15	10:00 a.m 4:32 p.m.
16	SMITH & DUGGAN LLP
17	55 Old Bedford Road
18	Lincoln, Massachusetts 01773-1125
19	
20	
21	
22	FARMER ARSENAULT BROCK LLC
23	617.790.4404 FAX 617.728.4403
24	Reporter: Cynthia C. Henderson/RPR
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12 (Pages 42 to 45)

Erin T. Withington - March 31, 2005

when this incident occurred when he had been working in Boston? A. I don't remember if I asked him that. Q. Do you remember if he said it? A. I don't. Q. And did Mr. Flynn give you any information regarding Mr. Hosseini when he spoke with you on the phone? A. No. I didn't get the impression he knew eith rone really personally, just knew of them. Q. Do you remember asking Mr. Flynn about Mr. Hosseini? A. I remember asking him if he knew them both, and I know he said, "Not well. I know who they are" type of thing, so he was able to — he could ledn'tly each of them, and other than that, no, I dentify each of them, and other than that, no, I go. And the next action that you took with respect to the investigation, do you think that was speaking with Mr. Hosseini? A. I think so. Around — either just before or after. Q. Either just before speaking with A. Yes. Q. And can you describe that meeting you had with Mr. Hosseini? A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hosseini? A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hosseini? Mr. Flynn or just after? A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hosseini? Mr. Flynn and that he has a problem with Mr. Perry, is lazy, doesn't like to come to work they are received it's up to him to assign them to a certain number, and once they are received it's up to him to assign them to someone.
2 In Boston? 3 A. I don't remember if I asked him that. 4 Q. Do you remember if he said it? 5 A. I don't. 6 Q. And did Mr. Flynn give you any information 7 regarding Mr. Hosselni when he spoke with you on the phone? 9 A. No. I didn't get the impression he knew ether one really personally, just knew of them. 11 Q. Do you remember asking Mr. Flynn about Mr. 12 Hossein? 13 A. I remember asking Mr. Flynn about Mr. 14 Hosseini? 15 type of thing, so he was able to – he could dentify each of them, and other than that, no, I dientify each of them, and other than that, no, I dentify each of them, and other than that, no, I dentify each of them, and other than that was speaking with Mr. Hossein? 20 A. I dentify each of them, and other than that was speaking with Mr. Hossein? 21 A. I think so. Around – either just before speaking with Mr. Hossein? 22 A. I think so. Around – either just before Q. And was anything else about dwith Mr. Hossein? 23 or after. 24 With Mr. Flynn or just after? 25 A. Yes. 26 Q. And can you describe that meeting you had with Mr. Hossein! 27 A. Yes. 28 Q. And can you describe that meeting you had with Mr. Hossein! 29 A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hossein! He was read his Miranda rights, which he signed and he waived. I asked him if he knew about the allegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and the the has a problem with Mr. Perry, and that he was a problem with Mr. Perry, and that he was a problem with Mr. Perry and that he said that take its coursed to not have any contact with him. Pavis, and I would advise for an have someone alse supervise him in the interim." 4 do not have any contact with him. Pavis and he proval and he proud and he was said it? 4 A. No. I didn't paw take the would, and he left my office. 4 Q.
3 A. I don't remember if I asked him that. 4 Q. Do you remember if he said it? 5 A. I don't. 6 Q. And did Mr. Flynn give you any information regarding Mr. Hosseini when he spoke with you on the phone? 9 A. No. I didn't get the impression he knew either one really personally, just knew of them. 10 either one really personally, just knew of them. 11 Q. Do you remember asking Mr. Flynn about Mr. 12 Hosseini? 13 A. I remember asking him if he knew them both, and I know he said, "Not well. I know who they are" type of thing, so he was able to he could identify each of them, and other than that, no, I don't remember him going into anything else about them. 19 Q. And the next action that you took with respect to the investigation, do you think that was speaking with Mr. Hosseini? 21 A. I think so. Around either just before or after. 22 A. I think so. Around either just before or after. 23 Q. And can you describe that meeting you had with Mr. Hosseini? 3 Q. And can you describe that meeting you had with Mr. Hosseini. He was read his Miranda rights, which he signed and he waived. I asked him if he knew about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the la
4 Contact with Mr. Bavis, and I would advise Mr. Bavis 5 A. I don't. 6 Q. And did Mr. Flynn give you any information 7 regarding Mr. Hosseini when he spoke with you on the 8 phone? 9 A. No. I didn't get the impression he knew 9 either one really personally, just knew of them. 11 Q. Do you remember asking Mr. Flynn about Mr. 12 Hosseini? 13 A. I remember asking him if he knew them both, 16 and I know he said, "Not well. I know who they are" 17 type of thing, so he was able to he could 18 dentify each of them, and other than that, no, I 19 Q. And the next action that you took with 19 respect to the investigation, do you think that was 21 speaking with Mr. Hosseini? 22 A. I think so. Around either just before 23 or after. 24 Q. Either just before speaking with 25 A. Yes. 26 Q. And can you describe that meeting you had 27 with Mr. Hosseini? 28 A. I don't. 29 And was Mr. Hosseini cooperative? 30 A. Yes. 31 Q. And was anything else said during the 31 interview? 32 interview? 33 Q. And was anything else said during the 34 interview? 35 A. Yes. 36 Q. And can you describe that meeting you had 36 with Mr. Hosseini? 37 A. Yes. 38 Q. And can you describe that meeting you had 38 with Mr. Hosseini? 39 A. Yes. 40 Pick and Detective Salley did an interview with Mr. 41 Hosseini. He was read his Miranda rights, which he 42 signed and he waived. I asked him if he knew about 43 the allegations and he proceeded to tell me about 44 the winch and the was a problem with Mr. Perry, 45 Chern and I saked him if he knew about 46 the winch and the was a problem with Mr. Perry, 47 Chern and I would advise Mr. Bavis, and I wound and the was read his Miranda rights, which he 48 signed and he waived. I asked him if he knew about 49 the allegations and he proceeded to tell me about 40 Mr. Perry and that he has a problem with Mr. Perry, 40 Pick and have any contact with him, and I saked tham in he news 41 contact with Mr. Bavis, and I wound and he waite, but make someone else supervise him in the interim." 41 He said that he would, and he
5 A. I don't. 6 Q. And did Mr. Flynn give you any information 7 regarding Mr. Hosselni when he spoke with you on the 8 phone? 9 A. No. I didn't get the impression he knew 10 either one really personally, just knew of them. 11 Q. Do you remember asking Mr. Flynn about Mr. 12 Hossein? 13 A. I remember asking him if he knew them both, 14 and I know he said, "Not well. I know who they are" 15 type of thing, so he was able to he could identify each of them, and other than that, no, I don't remember him going into anything else about them. 16 Q. And the next action that you took with respect to the investigation, do you think that was speaking with Mr. Hosseini? 20 A. I think so. Around either just before or after. 21 Q. Either just before speaking with 22 A. Yes. 23 Q. And can you describe that meeting you had with Mr. Hosseini? 24 A. Yes. 25 A. Yes. 26 And can you describe that meeting you had with Mr. Hosseini. He was read his Miranda rights, which he signed and he waived. I asked him if he knew about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he waived. I asked him if he knew about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about the lallegations and he proceeded to tell me about
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7 regarding Mr. Hosselni when he spoke with you on the phone? 9 A. No. I didn't get the impression he knew either one really personally, just knew of them. 10 either one really personally, just knew of them. 11 Hosselni? 12 Hosselni? 13 A. I remember asking Mr. Flynn about Mr. 14 and I know he said, "Not well. I know who they are" type of thing, so he was able to he could identify each of them, and other than that, no, I didn't remember him going into anything else about them. 19 Q. And the next action that you took with respect to the investigation, do you think that was spaking with Mr. Hosselni? 20 A. I think so. Around either just before or after. 21 Q. Either just before speaking with with Mr. Hosselni? 22 A. Yes. 3 Q. And can you describe that meeting you had with Mr. Hosselni? 43 Mr. Flynn or just after? 44 with Mr. Hosselni? 5 A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hosselni. He was read his Mirandar rights, which he signed and he waived. I asked him if he knew about the allegations and he proceeded to tell me about 10 Mr. Perry and that he has a problem with Mr. Perry,
8 phone? A. No. I didn't get the impression he knew either one really personally, just knew of them. 10 either one really personally, just knew of them. 11 Q. Do you remember asking Mr. Flynn about Mr. 12 Hossein? 3 A. I remember asking him if he knew them both, and I know he said, "Not well. I know who they are" type of thing, so he was able to he could identify each of them, and other than that, no, I don't remember him going into anything else about them. 10 Q. And the next action that you took with respect to the investigation, do you think that was speaking with Mr. Hosseini? 20 A. I think so. Around either just before or after. 21 Q. Brown, after Mr. Hosseini had left what did you next do with respect to the investigation? 22 A. I think so. Around either just before or after. 23 Q. And can you describe that meeting you had with Mr. Hosseini? A. Yes. Q. And can you describe that meeting you had with Mr. Hosseini? A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hosseini. He said that he would, and he left my office. 9 Q. About how long did the interview last, do you remember? 1. A. About a half an hour. 1. Q. And was Mr. Hosseini cooperative? A. Yes. Q. Was he polite? A. Yes. Q. And was anything else said during the interview? 1. A. Yes. Q. And was anything else said during the interview? 2. A. No. Just what I had stated. Q. Now, after Mr. Hosseini had left what did you next do with respect to the investigation? A. I believe I typed up the reports, faxed 45 Them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. Q. And who did you fax the report to at the Signed and he waived. I asked him if he knew about the malegations and he proceeded to tell me about the allegations and he proceeded to tell me about the lalegations and he proceeded to tell me about the lalegations and he proceeded to tell me about the lalegations and he proceeded to t
9 Q. About how long did the interview last, do you remember? 10 either one really personally, just knew of them. 11 Q. Do you remember asking Mr. Flynn about Mr. 12 Hosseini? 13 A. I remember asking him if he knew them both, and I know he said, "Not well. I know who they are" 15 type of thing, so he was able to — he could identify each of them, and other than that, no, I dentify each of them, and other than that, no, I dentify each of them, and other than that, no, I dentify each of them, and other than that was speaking with Mr. Hosseini? 20 And the next action that you took with respect to the investigation, do you think that was speaking with Mr. Hosseini? 21 A. I think so. Around — either just before arter. 22 A. I think so. Around — either just before arter. 23 Q. Bither just before speaking with 24 Mr. Flynn or just after? 25 A. Yes. 26 A. Yes. 27 A. Yes. 28 A. Yes. 29 Now, after Mr. Hosseini had left what did you next do with respect to the investigation? 29 And can you describe that meeting you had with Mr. Hosseini? 30 Q. And can you describe that meeting you had with Mr. Hosseini? 40 A. Yes. 41 them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. 42 Q. And who did you fax the report to at the DA's office? 43 A. Yes. 44 them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. 45 A. Yes. 46 A. No. Just what I had stated. 47 A. No. Just what I had stated. 48 A. Yes. 49 Q. Now, after Mr. Hosseini had left what did you next do with respect to the investigation? 40 A. Yes. 40 A. No. Just what I had stated. 41 A. No. Just what I had stated. 42 Q. Now and the material stated. 43 A. Yes. 44 D. No. Just what I had stated. 45 A. Yes. 46 A. Yes. 47 A. Yes. 48 A. Yes. 49 A. No. Just what I had stated. 40 A. Yes. 40 A. Yes. 41 A. No. Just what I had stated. 41 A. No. Just what I had stated. 42 A. Yes. 43 A. Yes. 44 A. Yes. 45 A. Wel
ither one really personally, just knew of them. Q. Do you remember asking Mr. Flynn about Mr. Hosseini? A. I remember asking him if he knew them both, and I know he said, "Not well. I know who they are" type of thing, so he was able to — he could identify each of them, and other than that, no, I don't remember him going into anything else about them. Q. And the next action that you took with respect to the investigation, do you think that was speaking with Mr. Hosseini? A. I think so. Around — either just before or after. Mr. Flynn or just after? A. Yes. Q. And can you describe that meeting you had with Mr. Hosseini? A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hosseini. He was read his Miranda rights, which he signed and he waived. I asked him if he knew about the allegations and he proceeded to tell me about Mr. Perry and that he has a problem with Mr. Perry, Journemember? A. About a half an hour. Q. And was Mr. Hosseini cooperative? A. Yes. Q. And was he polite? A. Yes. Q. Did you take any notes during this interview? A. Yes. Q. And was anything else said during the interview? A. No. Just what I had stated. Q. Now, after Mr. Hosseini had left what did you next do with respect to the investigation? A. I believe I typed up the reports, faxed At them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. A. Well, the supervisor up there for all of the sexual assault and safety basically just sends them up. Depending upon whether it's an adult or a third problem with Mr. Perry, and that he has a problem with Mr. Perry,
11 Q. Do you remember asking Mr. Flynn about Mr. 12 Hosseini? 13 A. I remember asking him if he knew them both, 14 and I know he said, "Not well. I know who they are" 15 type of thing, so he was able to he could 16 identify each of them, and other than that, no, I 17 don't remember him going into anything else about 18 them. 19 Q. And the next action that you took with 19 respect to the investigation, do you think that was 20 respect to the investigation, do you think that was 21 speaking with Mr. Hosseini? 22 A. I think so. Around either just before 23 or after. 24 Q. Either just before speaking with 25 A. Yes. 26 Q. And can you describe that meeting you had with Mr. Hosseini? 27 A. Yes. 38 Q. And can you describe that meeting you had with Mr. Hosseini? 39 Q. And can you describe that meeting you had with Mr. Hosseini? 40 A. About a half an hour. 41 A. About a half an hour. 41 A. About a half an hour. 42 Q. And was Mr. Hosseini cooperative? 41 A. Yes. 42 Q. Was he polite? 42 A. Very polite. 43 P. Yes. 44 Yes. 45 Q. And was anything else said during the interview? 46 A. Yes. 47 A. Yes. 40 Q. And was anything else said during the interview? 48 A. Yes. 49 Q. And was anything else said during the interview? 40 A. No. Just what I had stated. 40 Q. Now, after Mr. Hosseini had left what did you next do with respect to the investigation? 40 A. Yes. 40 A. Yes. 41 A. About a half an hour. 41 Q. Mas he polite? 41 A. Very polite. 42 Q. Did you take any notes during this interview? 42 A. Yes. 42 Q. And was anything else said during the interview? 42 A. No. Just what I had stated. 43 Yes. 44 Yes. 45 Them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. 40 Q. And who did you fax the report to at the Da's office? 41 A. Yes. 42 Q. Down, after Mr. Hosseini had left what did you next do with respect to the investigation? 43 I them up to the District Attorney's office, which is investigation went, but it didn't end there. 43 P. Yes
12 Hosseini? 13 A. I remember asking him if he knew them both, 14 and I know he said, "Not well. I know who they are" 15 type of thing, so he was able to he could 16 identify each of them, and other than that, no, I 17 don't remember him going into anything else about 18 them. 19 Q. And the next action that you took with 19 respect to the investigation, do you think that was 21 speaking with Mr. Hosseini? 22 A. I think so. Around either just before 23 or after. 24 Q. Either just before speaking with 25 A. Yes. 26 Q. And can you describe that meeting you had with Mr. Hosseini? 27 A. Yes. 28 Q. And can you describe that meeting you had with Mr. Hosseini? 38 A. Yes. 39 Q. And can you describe that meeting you had with Mr. Hosseini? 40 A. Yes. 41 them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. 42 Q. And who did you fax the report to at the basigned and he waived. I asked him if he knew about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about the lalegations and he proceeded to tell me about the lalegations and he proceeded to tell me about the proceeded to tell me about the lalegations and he proceeded to tell me about the lalegations and he proceeded to tell me about the proceeding upon whether it's an adult or a they are received it's up to him to assign them to
13 A. I remember asking him if he knew them both, 14 and I know he said, "Not well. I know who they are" 15 type of thing, so he was able to — he could 16 identify each of them, and other than that, no, I 17 don't remember him going into anything else about 18 them. 19 Q. And the next action that you took with 19 respect to the investigation, do you think that was 20 speaking with Mr. Hosseini? 21 A. I think so. Around — either just before 22 or after. 23 Q. Either just before speaking with 24 Mr. Flynn or just after? 25 A. Yes. 26 And can you describe that meeting you had 27 with Mr. Hosseini? 28 A. Yes. 3 Q. And can you describe that meeting you had 3 with Mr. Hosseini? 40 Mr. Flynn or just after? 41 Mr. Flynn or just after? 43 Q. And who did you fax the report to at the 44 with Mr. Hosseini? 45 A. Yes. 46 A. Well, the supervisor up there for all of 47 the sexual assault and safety basically just sends 48 them up. Depending upon whether it's an adult or a 49 the allegations and he proceeded to tell me about 40 Mr. Perry and that he has a problem with Mr. Perry, 41 Posseini. He was read him if he knew about 41 the allegations and he proceeded to tell me about 42 Mr. Perry and that he has a problem with Mr. Perry, 43 Possein. 44 Q. Was he polite? 45 A. Very polite. 46 Q. Did you take any notes during this interview? 4 A. Yes. 40 Q. And was anything else said during the interview? 4 A. Yes. 40 Q. Now, after Mr. Hosseini had left what did you next do with respect to the investigation? 45 A. I believe I typed up the reports, faxed 45 them up to the District Attorney's office, which is 45 where we send stuff, and that was all as far as my investigation went, but it didn't end there. 40 Q. And who did you fax the report to at the 41 Da's office? 42 Q. And who did you fax the report to at the 43 User were we send stuff, and that was all as far as my investigation went, but it didn't end there. 44 Q. And who did you fax the report to at the 45 Da's office? 46 A. Well, the supervisor up there for all of 47 the sexual a
14 and I know he said, "Not well. I know who they are" 15 type of thing, so he was able to he could 16 identify each of them, and other than that, no, I 17 don't remember him going into anything else about 18 them. 19 Q. And the next action that you took with 19 respect to the investigation, do you think that was 20 speaking with Mr. Hosseini? 21 A. I think so. Around either just before 22 or after. 23 or after. 24 Q. Either just before speaking with 25 A. Yes. 26 Q. Did you take any notes during this 17 interview? 18 A. Yes. 19 Q. And was anything else said during the 10 interview? 21 A. No. Just what I had stated. 22 Q. Now, after Mr. Hosseini had left what did 23 you next do with respect to the investigation? 24 A. I believe I typed up the reports, faxed 25 where we send stuff, and that was all as far as my 26 investigation went, but it didn't end there. 27 A. Yes. 28 Q. And can you describe that meeting you had with Mr. Hosseini? 29 A. Yes. He came to my office alone. Myself 29 and Detective Salley did an interview with Mr. 29 Hosseini. He was read his Miranda rights, which he signed and he waived. I asked him if he knew about the allegations and he proceeded to tell me about the allegations and he proceeded to tell me about Mr. Perry, and that he has a problem with Mr. Perry, 10 Q. And was anything else said during the interview? 11 A. Yes. 12 Q. Now, after Mr. Hosseini had left what did you next do with respect to the investigation? 22 A. I believe I typed up the reports, faxed 23 them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. 29 And who did you fax the report to at the DA's office? 29 And who did you fax the report to at the DA's office? 29 A. Well, the supervisor up there for all of the sexual assault and safety basically just sends them up. Depending upon whether it's an adult or a child, you send them to a certain number, and once they are received it's up to him to assign them to
type of thing, so he was able to he could identify each of them, and other than that, no, I don't remember him going into anything else about them. 15
identify each of them, and other than that, no, I don't remember him going into anything else about them. 19
17 don't remember him going into anything else about 18 them. 19 Q. And the next action that you took with 20 respect to the investigation, do you think that was 21 speaking with Mr. Hosseini? 22 A. I think so. Around either just before 23 or after. 24 Q. Either just before speaking with 25 A. Yes. 26 Either just before speaking with 27 A. I believe I typed up the reports, faxed 28 you next do with respect to the investigation? 29 A. I believe I typed up the reports, faxed 45 them up to the District Attorney's office, which is 46 where we send stuff, and that was all as far as my 47 investigation went, but it didn't end there. 48 Q. And who did you fax the report to at the 49 Da's office? 40 A. Well, the supervisor up there for all of 40 the sexual assault and safety basically just sends 41 them up. Depending upon whether it's an adult or a 42 the sexual assault and safety basically just sends 43 them up. Depending upon whether it's an adult or a 44 change of the investigation went, but it didn't end there. 45 Da's office? 46 A. Well, the supervisor up there for all of 47 the sexual assault and safety basically just sends 48 them up. Depending upon whether it's an adult or a 49 child, you send them to a certain number, and once 40 they are received it's up to him to assign them to
18 them. 19 Q. And the next action that you took with 20 respect to the investigation, do you think that was 21 speaking with Mr. Hosseini? 22 A. I think so. Around either just before 23 or after. 24 Q. Either just before speaking with 25 A. Yes. 26 A. Yes. 27 Q. And can you describe that meeting you had 28 with Mr. Hosseini? 29 A. Yes. 30 Q. And can you describe that meeting you had 40 with Mr. Hosseini? 41 them up to the District Attorney's office, which is 42 where we send stuff, and that was all as far as my 43 investigation went, but it didn't end there. 44 with Mr. Hosseini? 45 A. Yes. He came to my office alone. Myself 46 and Detective Salley did an interview with Mr. 47 Hosseini. He was read his Miranda rights, which he 48 signed and he waived. I asked him if he knew about 49 the allegations and he proceeded to tell me about 40 Mr. Perry and that he has a problem with Mr. Perry, 41 P. Yes. 42 Q. Now, after Mr. Hosseini had left what did 42 you next do with respect to the investigation? 45 them up to the District Attorney's office, which is 45 where we send stuff, and that was all as far as my 45 investigation went, but it didn't end there. 46 Q. And who did you fax the report to at the 57 DA's office? 68 A. Well, the supervisor up there for all of 79 the sexual assault and safety basically just sends 89 them up. Depending upon whether it's an adult or a 90 child, you send them to a certain number, and once 100 they are received it's up to him to assign them to
Q. And the next action that you took with respect to the investigation, do you think that was speaking with Mr. Hossein? A. I think so. Around either just before or after. Q. Either just before speaking with A. Yes. A. Yes. Q. And can you describe that meeting you had with Mr. Hosseini? A. Yes. He came to my office alone. Myself and Detective Salley did an interview with Mr. Hosseini. He was read his Miranda rights, which he signed and he waived. I asked him if he knew about the allegations and he proceeded to tell me about Mr. Perry and that he has a problem with Mr. Perry, A. I believe I typed up the reports, faxed A. No. Just what I had stated. Q. Now, after Mr. Hosseini had left what did you next do with respect to the investigation? A. I believe I typed up the reports, faxed 45 them up to the District Attorney's office, which is where we send stuff, and that was all as far as my investigation went, but it didn't end there. Q. And who did you fax the report to at the DA's office? A. Well, the supervisor up there for all of the sexual assault and safety basically just sends them up. Depending upon whether it's an adult or a child, you send them to a certain number, and once they are received it's up to him to assign them to
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The first to assign them to
TI that i'll. Perry is lazy, doesn't like to come to work 11 someone.
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The state of the s
14 Mr. Perry?" And he said, "No. I have never had any 15 in a proportion of the said with a proof the said."
15 inappropriate contact with any of them." 15 after Mr. Hosseini came in, so it was somewhere
16 I said, "Have you ever had any 16 before March 22nd.
17 problems with touching?" He said he had an incident 17 Q. But it was within just a couple of days of
The state of the s
18 with Mr. Bavis on the dock where he put his hands on 18 speaking with Mr. Hosseini?
18 with Mr. Bavis on the dock where he put his hands on 19 his shoulders and Mr. Bavis started to freak out and 18 speaking with Mr. Hosseini? 19 A. Yes, because I think he was in my office
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13 (Pages 46 to 49) Erin T. Withington - March 31, 2005

46 · 48 this investigation? verbatim. Mostly it was just I would come in and 2 A. The phone calls from Mr. Bavis continued there would be messages that Diane would give me 2 3 daily, stating that Mr. Hosseini was still bothering that he called. him, was still touching him. This went on for about Q. And when he called you that first time 5 a week, and at some point it was once a day, at some 5 after you had submitted the report to the D.A. did point it was two to three times a day, to the point Bavis tell you that this occurred at work, this 7 where other people in the office were getting -- I 7 touching of his arm? don't want to -- they were getting so many messages A. I don't kow that he said it. I know that I 8 9 that it was finally asked, "Erin, what are you going actually assumed it occurred at work, so I'm sure 9 10 to do with this case?" that he must have said -- well, I can't even say I 10 11 (Recess.) 11 am sure. I thought he must have said that it 12 Q. We left off just a moment ago on Mr. Bavis 12 occurred there, but I know I assumed that he was 13 calling daily to the Sexual Assault Unit. 13 talking about work. 14 A. Yes. 14 Q. Do you remember the substance of any other 15 Q. And who was taking these calls from Mr. 15 calls you had with Mr. Bavis during those five 16 Bavis on a daily basis? Do you remember? 16 workdays? 17 A. Diane, the secretary. The liaison. Excuse 17 A. To be honest, I didn't always return the 18 me. Sergeant Donovan took a couple. I took a 18 phone calls, so I didn't speak to him every day. 19 couple. Mostly Diane. 19 Q. And why was it that you didn't return the 20 Q. Okay. And you indicated that Bavis was 20 phone calls? 21 calling once or maybe twice a day? 21 A. Because I also have two hundred other 22 A. Yes. 22 cases, and I work in the Child Abuse Unit, so I had 23 Q. And for how long did this go on? two hundred klds that I had to set up things and 24 A. Probably about five days. I think there 24 deal with them, so I kind of had done all I could do 47 49 1 was a weekend in the middle, so I think it was a few at that point with the investigation for Mr. Bayis, days and then the weekend and then a couple of days 2 and I didn't consider him to be in imminent danger. 3 in the beginning of the week. 3 so I kind of had to take care of other things Q. So about five workdays? 4 because he had consumed a lot of time at that point. 5 A. Yes. 5 Q. Okay. Now, after these five days, five 6 Q. And when you spoke with Mr. Bavis when you workdays had passed and these calls were coming in 7 took these calls, say the first time he called after on a daily basis, one to two a day, what happened? 8 you spoke with Mr. Hosseini and after you put the 8 What was the next thing that happened with respect 9 report in to the D.A? 9 to this investigation? 10 A. I believe he said that, something about his 10 A. I know -- I am pretty sure within a couple 11 assignment and there was still a problem, that Mr. of those days I was out of the office two days for 12 Hosselni had walked by him and touched his arm. He 12 training, so I think I came back and there was a did tell me the arm thing again, and I sald, "Well, 13 13 bunch of messages and stuff, and I know on the day 14 Joe, touching your arm is not a sexual assault." I 14 that I went and got the warrant Mr. Bavis had called 15 said, "I did speak to Mr. Hosseini, and I told him 15 that morning, and I sald -- I know that day he sald, 16 that to really avoid contact with you, and that you "I am at work now. Mr. Hosseini came up to me, 17 should avoid contact with him. It's in the court, rubbed my arms, blew me a kiss" or rubbed up against 17 18 the D.A.'s office. I am just waiting for them to 18 him. There was some -- it didn't reach the point of 19 either call you in or set up something." I said, 19 a sexual assault as far as something I would 20 "So, you know, give it a few more days and let me 20 normally investigate, but it was an assault and 21 know what happens." 21 battery, that this is still going on, this hasn't

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stopped, so I got off the phone with him and I typed

up a warrant for indecent assault and battery, and I

went to B.M.C. to obtain the warrant.

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23

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anything else?

Q. And what did he say on that first call, if

A. I believe that was it. I can't remember